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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 OPTRICS INC.,

12 Plaintiff,

13 v.

14 BARRACUDA NETWORKS, INC., a Delaware
Corporation, and DOES 1 through 10, inclusive,

15 Defendant.
16

Case No. 17-cv-04977-RS

**STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE CMC AND
CASE DEADLINES PENDING
RESOLUTION OF MOTION TO
DISMISS**

17
18 Pursuant to Civil L.R. 6-1(b), Defendant Barracuda Networks, Inc. (“Defendant”) and
19 Plaintiff Optrics Inc. (“Plaintiff”), by and through their undersigned attorneys, hereby state and
20 stipulate, subject to Court approval, as follows:

21 WHEREAS, on April 26, 2018, following this Court’s order granting in part and denying in
22 part Defendant’s motion to dismiss and/or strike, Plaintiff filed its Second Amended Complaint
23 (“SAC,” *see* D.I. 51);

24 WHEREAS, on May 4, 2018, this Court granted the parties’ stipulation and rescheduled the
25 Case Management Conference in this case for July 19, 2018, at 10:00 a.m. (*see* D.I. 53);

26 WHEREAS, on May 17, 2018, Defendant filed a Motion to Dismiss Counts I and II in the
27 SAC (*see* D.I. 55) and the motion is now fully briefed;
28

1 WHEREAS, on June 21, 2018, the Court took the Motion to Dismiss under submission for
2 ruling without oral argument and vacated the oral hearing date (*see* D.I. 59);

3 WHEREAS, the parties have met and conferred and agree that in view of Defendant's
4 Motion to Dismiss, the parties differ on the scope of the claims and issues in the case and that the
5 parties' efforts to further meet and confer regarding a discovery plan, and to attend and conduct a
6 meaningful Case Management Conference, would be significantly more productive after the Motion
7 to Dismiss is resolved;

8 WHEREAS, the parties have met and conferred and are agreeable to continuing the Case
9 Management Conference to dates that are convenient to the Court after the Motion to Dismiss has
10 been resolved, and to extending the associated case management deadlines until after the Motion to
11 Dismiss is resolved;

12 WHEREAS, the Court previously granted the parties' stipulations to extend the time for
13 Plaintiff to file an amended complaint and continuing the then scheduled case management
14 conferences in view of pleading motion practice on prior versions of Plaintiff's claims in this case
15 (*see* D.I. 33, 43-45, 53);

16 WHEREAS, there is no trial date or case schedule in place so that the proposed modification
17 herein will not materially impact the case schedule;

18 NOW THEREFORE, IT IS STIPULATED AND AGREED, subject to this Court's
19 approval, that the Case Management Conference, currently scheduled for July 19, 2018, at 10:00
20 a.m., is continued to August 30, 2018, at 10:00 a.m., or another date at the Court's convenience, and
21 the associated case management deadlines are extended commensurate with the new Case
22 Management Conference date.

23 IT IS SO STIPULATED

24 DUANE MORRIS LLP

25 Dated: July 5, 2018

By: /s/ Daniel T. McCloskey
Karineh Khachatourian
Daniel T. McCloskey

27 Attorneys for Defendant,
28 BARRACUDA NETWORKS, INC.

LAW OFFICES OF HERBERT L.
TERRERI PC

Dated: July 5, 2018

By: /s/ Herbert L. Terreri

Herbert L. Terreri
Grace Neibaron

Attorneys for Plaintiff,
OPTRICS INC.

ATTESTATION

Pursuant to Civil L.R. 5-1(i)(3) regarding signatures, I attest under penalty of perjury that the concurrence in the filing of this document has been obtained from its signatories.

DUANE MORRIS LLP

Dated: July 5, 2018

By: /s/ Daniel T. McCloskey

Karineh Khachatourian
Daniel T. McCloskey

Attorneys for Defendant,
BARRACUDA NETWORKS, INC.

ORDER

Having read and considered the foregoing Stipulation of the parties submitted herewith and for good cause shown,

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 7/5/18



Hon. Richard Seeborg
UNITED STATES DISTRICT JUDGE